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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/589,900

08/18/2006

Eric Tarrerias

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7590

07/17/2008

Ralph A. Dowell of DOWELL & DOWELL P.C.

2111 Eisenhower Ave

Suite 406

Alexandria, VA 22314

EXAMINER

DEFRANK, JOSEPH S

ART UNIT

PAPER NUMBER

3724

MAIL DATE

DELIVERY MODE

07/17/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/589,900	<b>Applicant(s)</b> TARRERIAS, ERIC	
	<b>Examiner</b> JOSEPH DEFRANK	<b>Art Unit</b> 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 3, 6 and 9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 5, 7, 8 and 10-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5-25-07</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is in response to communication filed on 5-6-08.

#### ***Election/Restrictions***

2. Applicant's election with traverse of species A (claims 2 and 7) in the reply filed on 5-6-08 is acknowledged. The traversal is on the ground(s) that the application discloses finishing the cutting edge simultaneously with the operation of finishing the blade body (paragraph 42). This is not found persuasive because figures 1-5 simply do not disclose this feature. Applicant further calls this a "variant" and examiner notes that while the initial description of the variant in the specification uses the same numbering as found in figures 1-5, these features are not shown in figures 1-5, but rather those of species B (figures 6-11). Figures 1-5 (particularly 2, 4, and 5) clearly show a machined blade body (figure 2), a bead deposited on the body (figure 4), and then only the bead machined to make the cutting edge (figure 5).

The requirement is still deemed proper and is therefore made FINAL.

#### ***Priority***

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 2, 4, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Wallmann (US 6,316,065).

6. With respect to claim 1, Wallmann discloses a method of fabricating a blade for a cutting tool, the blade (2) being made of steel or an alloy of stainless steels and having at least one cutting edge (3) extending over at least a portion of its periphery, the method being characterized in that it comprises the following steps: a) making a blade body (2) possessing at least one free edge (5) provided in the vicinity of the location of the or each cutting edge (3); b) projecting a make-up material (4) in the form of a powder (see column 3 lines 48-55) onto at least one free edge (5), the hardness of the make-up material being greater than the hardness of the blade body; c) subjecting the make-up material powder (4) to a laser beam (9) so as to form a bead or strip (see figure 1) on at least a portion of said free edge (5); and d) forming the cutting edge (3) in the strip of make-up material.

7. With respect to claim 2, Wallmann discloses the method characterized in that said free edge is formed by a flat (5) extending perpendicularly to a main plane of the blade body (2; see figure 2).

8. With respect to claim 4, Wallmann discloses the method characterized in that the blade body (2) presents dimensions that are slightly smaller than those of the final blade (see figure 2).

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9. With respect to claim 7, Wallmann discloses the method characterized in that the blade body (2) is machined or ground before the step of forming the bead of make-up material. The blade body is formed (and thus machined of some sort) prior to receiving the added cutting material.

10. Claims 10-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Pacher et al. (US PGPub 2003/0154841; now US 7,210,388; hereafter Pacher).

Pacher discloses a blade for a cutting tool (see figure 3), in a saw, the blade having at least one cutting edge (5) on at least a portion of its periphery, and being characterized in that it comprises a blade body (2), the cutting edge (5) being supported on one edge of said blade body (2), cutting edge (5; various materials including tungsten carbide; paragraph 11) and the blade body (2; steel; paragraph 11) are made of at least two different materials. With respect to claim 12, the saw blade itself is considered to be a cutting tool.

### ***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

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2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

13. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wallmann in view of Pacher.

With respect to claim 5, Wallmann does not disclose the joined strip or bead of make-up material and the blade body being further machined by grinding, machining or abrading. Examiner notes that the edge of Wallmann is a blunt cutting edge as the cutting device is used in a hone. Examiner further notes that many different cutting edges exist and the use of secondary grinding is well known in the art to produce a desired cutting edge shape.

Pacher discloses a saw blade having a main blade body (2) having a contact surface (4) where a harder metal insert (1) is welded on with the aid of a laser (paragraph 5). Pacher further discloses the insert, after being fused with the main blade body, is then ground to produce an edge having the desired cutting tip shape (paragraph 22). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the method of Wallmann to further include a grinding step to grind the fused insert in order to achieve a precise, desired cutting tip shape in view of the teachings of Pacher.

14. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wallmann in view of Korb et al. (US PGPub 2003/0019332; hereafter Korb).

With respect to claim 8, Wallmann does not disclose the method in that prior to the step of forming the cutting edge, a hardening and tempering operation is performed

on the blade body fitted with the bead or strip of make-up material. Examiner notes that it is well known to temper steel alloys in order to achieve various levels of hardening. Korb discloses that it is well known to temper a base strip for a blade various times in order to harden the material to desired levels (paragraph 4). Examiner notes that this technique is also disclosed by Pacher (paragraphs 22 and 23). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to temper the cutting tool of Wallmann in order to modify the hardness of the blade in view of the teachings of Korb.

### ***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art of Osing et al., Ponemayr, Decker et al., and Dion et al. are noted as considered pertinent.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH DEFRANK whose telephone number is (571)270-3512. The examiner can normally be reached on Monday - Thursday; 9am-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason Prone/  
Primary Examiner, Art Unit 3724

Joseph De Frank  
Examiner  
Art Unit 3724

JD  
7-14-08  
/J. D./  
Examiner, Art Unit 3724